

REMARKS

Claims 1-32 are pending in the present application. The Examiner rejected claims 1-32 under 35 U.S.C. §103(a). Applicant has amended claims 1-2 and 27-32, and has canceled claims 3-4, 9, 13-15, and 19-21. No new matter has been introduced.

Claims 1, 3, 10-24, 28, and 32 were rejected under 35 U.S.C. §103(a) as being obvious over “A Critical Evaluation of Multimedia Toolbook” by Price, et al., in view of U.S. Patent Application Publication No. 2004/0222992 (Calkins, et al.).

Claims 2, 5, 25-27, and 29-31 were rejected under 35 U.S.C. §103(a) as being obvious over Price in view of Calkins, and further in view of U.S. Patent No. 6,683,613 (Herbtsman, et al.).

Claim 4 was rejected under 35 U.S.C. §103(a) as being obvious over Price in view of Calkins, and further in view of U.S. Patent No. 6,321,244 (Liu, et al.).

Claims 6, 8, and 9 were rejected under 35 U.S.C. §103(a) as being obvious over Price in view of Calkins, and further in view of U.S. Patent Application Publication No. 2003/0128215 (Kim, et al.).

Claim 7 was rejected under 35 U.S.C. §103(a) as being obvious over Price in view of Calkins, and further in view of U.S. Patent No. 6,075,532 (Colleran, et al.).

Applicant urges that independent claims 1 and 32 are not obvious over Price in view of Calkins for at least the reasons presented herein below.

Applicant urges that the Examiner has failed to make out a *prima facie* case of obviousness for these rejections. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the combination of prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the

claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

At the very least, the combination of Price and Calkins fails to disclose or suggest *specifying an animation by a computer via a text description*, as essentially claimed in claims 1, 28 and 32.

Price is directed to an evaluation of Asymetrix Multimedia Toolbook 3.0, a commercial available multimedia authoring tool. Toolbook discloses creating animations by selecting and pasting pre-programmed objects onto a background screen. However, these animations are computer screen based specifications of animations. Thus, the animation techniques disclosed in Price are specifications of a single instance of animation. These animation specifications can only be stored as data structures inside an animation program that includes the Toolbook runtime environment. Furthermore, although Toolbook supports a computer language, OpenScript, for specifying animations, this language is Asymetrix proprietary and thus is not usable on other, non-Asymetrix animation players. In addition, there is no disclosure that OpenScript animation scripts are saved separately from the rest of the Toolbook runtime functions.

Applicant's animation is a textual description of animation sequence steps that can be generated by an animation author and saved as an SGML document. SGML is a publicly available standard for defining the format in a text document that includes a file that defines the format codes, or tags. This SGML document can be saved separate from the animation program and can be played by a stand alone animation player, without the need of, for example, the files comprising the Toolbook runtime environment. An animation according to Applicant's claims 1 and 32 can be used in many animation instances by many animation players. Any animation player that provides VCR-like controls can play an animation style in accordance with Applicant's claims 1, 28 and 32. Applicant urges that a textual description of an animation sequence executable by any animation player is neither disclosed nor suggested by Price.

The Examiner concedes that Price does not disclose an animation path from a starting point to an ending point, and a playback speed for the animation, but then alleges that Calkins discloses these features. However, Calkins, like Price, is directed to a screen based description of an animation, not a textual description of animation sequence steps readable by any animation player, as essentially recited in claims 1, 28 and 32. Thus, Calkins does not rectify the deficiencies of Price discussed above.

Independent claims 27 and 29-31 were further rejected over Herbstman. The Examiner cited Herbstman as disclosing *specifying animation of said object with object orientation as a function of said animation path*, as essentially recited in claims 27 and 30-31, and *sorting properties associated with each of said animation objects . . . including pre-conditions and post-conditions*, as essentially recited in claims 29-31. Herbstman is directed to method of integrating two independent simulations, however, Herbstman does not disclose or suggest a textual description of animation sequence steps readable by any animation player, as essentially recited in claims 1 and 32. Thus, Herbstman does not rectify the deficiencies of Price and Calkins as discussed above.

Independent claims 1 and 27-32 as amended incorporate the subject matter of claim 4. The Examiner concedes that Price and Calkins do not teach *saving said animations as an SGML . . . file*, as recited in claim 4, but cites Liu as disclosing this limitation. However, Liu is directed to restructuring SGML documents into card-based documents that can include pre-defined animations. These pre-defined animations would need to be generated by a method such as the method recited in Applicant's claim 1. Thus, Liu does not rectify the deficiencies of Price, discussed above.

Thus, Applicant urges that the combination of Price, Calkins, and Liu does not teach or suggest all of the features recited in Applicant's claims 1, 28 and 32. Thus, Applicant urges that a *prima facie* case of obviousness of claims 1, 28 and 32 over the combination of Price, Calkins, and Liu cannot be maintained. Furthermore, Applicant urges that the combination of Price, Calkins, Herbstman and Liu does not teach or suggest all of the features recited in Applicant's claims 27 and 29-31, and that a *prima facie* case of obviousness of claims 27 and 29-31 over the combination of Price, Calkins,

Herbstman and Liu cannot be maintained. Reconsideration and withdrawal of these rejections is respectfully requested.

Dependent claims 10-12, 16-18, and 22-24 all depend from claim 1 and are thus patentable for at least the same reasons as claim 1. Reconsideration and withdrawal of these rejections is respectfully requested.

Dependent claims 3, 9, 13-15, and 19-21 have been canceled, and thus Applicant urges that their rejections are now moot. Reconsideration and withdrawal of these rejections is respectfully requested.

Dependent claims 2 and 5 depend from claim 1. The Examiner cited Herbstman as disclosing *repeating foregoing steps*, as essentially recited in claim 2, and *calculating an new orientation for said animation object* and *orienting said animation object*, as recited in claim 5. Herbstman is directed to method of integrating two independent simulations, however, Herbstman does not disclose or suggest a textual description of animation sequence steps readable by any animation player, as essentially recited in claims 1 and 32. Thus, Herbstman does not rectify the deficiencies of Price and Calkins as discussed above. Applicant urges that a *prima facie* case of obviousness of claims 2 and 5 over Price, Calkins, and Herbstman cannot be maintained. Reconsideration and withdrawal of these rejections is respectfully requested.

Dependent claims 6 and 8 depend from claim 1. The Examiner cited Kim as disclosing *representing said animation path as a series of sampling points*, *calculating a deviation*, and *comparing said deviation with a predetermined limit* as essentially recited in claims 6 and 8. Kim is directed to encoding and decoding a position interpolator representing the location of an object in an animation path. However, Kim does not disclose or suggest a textual description of animation sequence steps readable by an animation player, as essentially recited in claims 1 and 32. Thus, Kim does not rectify the deficiencies of Price and Calkins as discussed above. Applicant urges that a *prima facie* case of obviousness of claims 6 and 8 over Price, Calkins, and Kim cannot be maintained. Reconsideration and withdrawal of these rejections is respectfully requested.

Dependent claim 7 depends from claim 1. The Examiner cited Colleran as disclosing *forming a bounding box, calculating a new orientation for said bounding box, and orienting said bounding box*, as essentially recited in claim 7. Colleran is directed to repainting an image that has been uncovered by a character of an animation sequence. However, Colleran does not disclose or suggest a textual description of animation sequence steps readable by an animation player, as essentially recited in claims 1 and 32. Thus, Colleran does not rectify the deficiencies of Price and Calkins as discussed above. Applicant urges that a *prima facie* case of obviousness of claim 7 over Price, Calkins, and Colleran cannot be maintained. Reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, Applicant urges that claims 1-2, 5-8, 10-12, 16-18, and 22-32 are in condition for allowance. Early and favorable action on this case is respectfully requested.

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